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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,370	10/17/2003	James A. Otterbeck	03-5001	2237

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,370

Applicant(s)

OTTERBECK ET AL.

Examiner

Kiet Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-28 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over O' Sullivan (RE38,127 E) in view of Alexis (Pub. No. 2004/0072544).

Consider **claim 1**, O' Sullivan teaches networks comprising: a hybrid device for enabling telephony communications (Title, C2, L45-51, C5, L37-49, Fig.4, No.68 Illustrate hybrid communication control unit means as hybrid device); a landline connection path between said landline communications network and said hybrid device (C5, L12-25, C6, L1-6, Fig.2, Illustrate landline connection), a wireless connection path between said wireless communications network and said hybrid device (C4, L48-67, C5, L1-11, Fig.1, Illustrate wireless connection). O' Sullivan teaches the limitation of claim as discuss **but fail to teach** a switch to select one of said landline connection path and said wireless connection path for operation of said hybrid device; and a transfer device connected to the landline communications network to transfer one of said telephony communications enabled by said hybrid device from said landline communications network to said wireless communications network when said switch selects said wireless connection path.

In an analogous art, Alexis teaches "Communication and method". Further, Alexis teaches a switch to select one of said landline connection path and said wireless connection path for operation of said hybrid device (Page 4, Paragraph [0038-0040], Fig.2A, teach switch No.30 with conjunction with switch No.34 wherein switch either landline or wireless); and a transfer device connected to the landline communications network to transfer one of said telephony communications enabled by said hybrid device from said landline communications network to said wireless communications network when said switch selects said wireless connection path (Page 2, Paragraphs [0028-0030], Page 3, Paragraphs [0031-0035], teach the interface circuitry means as transfer device wherein connected to landline as Fig.1 Illustrate).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify O' Sullivan and Alexis system, such that a hybrid device for enabling telephony communications landline/wireless connection path between said landline/wireless communications network and said hybrid device and a transfer device connected to the landline communications network to transfer one of said telephony communications enabled by said hybrid device, to provide means for the convenient of the users converting/switching direction using hybrid communication device.

Consider **claims 2 and 12**, Alexis teaches the system of claim 1, wherein said hybrid device comprises:

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a handset providing a user interface for the hybrid device (Fig.4, No.202); a landline base station connected in said landline connection path between said landline communications network and said handset, the landline base station routing said telephony communications between said landline communications network and said handset; a cordless microprocessor unit connected in said landline connection path between said landline base station and said handset for receiving and transmitting said telephony communications between said handset and said landline base station, and a wireless microprocessor unit connected in said wireless connection path between said handset and said wireless communications network for receiving and transmitting said telephony communications between said handset and said wireless communications network (Page 5, Paragraphs [0045-0048]).

Consider **claims 3 and 13**, Alexis teaches the system of claim 2, wherein said landline base station comprises a charging station for charging a power source for said handset (Page 5, Paragraph [0046], Fig.4, teach base unit No.204 cradle No.203 which inherently provide charging a power source for said handset).

Consider **claims 4 and 9**, Alexis teaches the system of claim 3, wherein said transfer device comprises: a messaging center supporting mail box services for users of the system, a media server managing and storing voice media (Page 6, Paragraph [0050], Fig.9, Illustrate messaging center supporting mail box and storing voice media means as No.802); a routing platform providing intelligent routing of said telephony

communications based on predefined rules and policies; and an administrative module managing customer account information for said users (Page 2, Paragraph 17, Fig.5D-5K, Illustrate routing platform).

Consider **claims 5 and 15**, Alexis teaches the system of claim 3, wherein said handset comprises at least one of a speaker, a display, a keypad and a microphone (Page 5, Paragraph [0045], Fig.4, No.202).

Consider **claims 6 and 16**, Alexis teaches the system of claim 5, wherein said handset comprises at least one of a global positioning system tracking module and a web browser (Page 2, Paragraph [0029]).

Consider **claims 7 and 17**, Alexis teaches the system of claim 3, wherein said handset comprises a pager (Page 5, Paragraph 46, Fig.4, No.220 Illustrate cellular phone which can be pager).

Consider **claims 8 and 14**, the system of claim 2, wherein said cordless connection microprocessor unit is a 900 MHz cordless microprocessor unit (Using 900MHz in cordless microprocessor is well know and regulate by FCC).

Consider **claims 10**, Alexis teaches the system of claim 1, wherein said landline connection path is integrated with an Internet call managing service; and said switch is

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activated by a user of said Internet call managing service (Fig.9, Illustrate connection path is integrated with an Internet call managing service).

Consider **claim 11**, Alexis teaches a hybrid device for integrated landline communications and wireless communications, comprising:  
a handset (Fig.4, No.202),  
a landline microprocessor unit selectively connected between said handset and a landline network, a wireless microprocessor unit selectively connected between said handset and a wireless network ; and a switching module to selectively activate one of said landline microprocessor unit and said wireless microprocessor unit ( Page 2, Paragraphs [0029-0030], Page 3, Paragraph [0036], Page 12, Paragraphs [0092-0093]).

Consider **claims 18 and 26**, Alexis teaches a method of integrating landline communications and wireless communications, comprising:  
receiving an incoming call from a landline network; determining if a connection is available between said landline network and a user device (Page 2, Paragraph [0028] teach communication device connected via landline tip/ring pair); routing said incoming call from said landline network to a wireless network when said connection between said landline network and said user device is not available and when said incoming call is not answered, and transmitting said incoming call to said user device from said wireless network (Page 2, Paragraph [0017], Page 6, Paragraph [0056-0057]).

Consider **claims 19 and 27**, Alexis teaches the method of claim 18, comprising: initiating an outgoing/incoming call from said user device, determining if said connection is available between said landline network and said user device, routing said outgoing/incoming call from said user device to said landline network when said connection is available; and routing said outgoing/incoming call from said user device to said wireless network when said connection between said landline network and said user device is not available (Page 2, Paragraph [0017], Page 6, Paragraph [0056-0057], page 7, Paragraphs [ 0058-0063]).

Consider **claim 20**, Alexis teaches the method of claim 18, wherein receiving an incoming call comprises: providing notifications of said incoming call at a landline base station connected to said landline network; and proceeding to determining if said connection is available when a number of said notifications exceeds a predetermined threshold (Page 9, Paragraph [0072])

Consider **claim 21**, Alexis teaches the method of claim 20, wherein determining if said connection is available comprises: determining if said user device is within a communication range of said landline base station, and transferring said incoming call to a voice message system when said user device is within said communication range (Page 5, Paragraph [0047], Page 11, Paragraph [0085], teach RF circuitry wherein communication within range).



Consider **claims 22, 25 and 28**, Alexis teaches the method of claim 18, wherein transmitting said incoming call comprises: providing notifications of said incoming call at said user device, and transferring said incoming call to a voice message system when a number of said notifications exceeds a predetermined threshold (Page 6, Paragraphs [0056-0057], Page 7, Paragraph [0063], teach response to an incoming call, and wherein well know in the art that transferring said incoming call to a voice message when predetermined ring are set).

Consider **claim 23**, Alexis teaches the method of claim 18, comprising: determining which one of a plurality of user devices said incoming call is directed to; and directing said incoming call to said one of said plurality of user devices (Page 6, Paragraph [0055]).

Consider **claim 24**, Alexis teaches the method of claim 18, wherein: routing said incoming call from said landline network to a wireless network comprises obtaining caller identification; and transferring said incoming call comprises presenting said caller identification to a user of said user device when said user answers said incoming call (Page 9, Paragraphs [0072-0075]).

Consider **claim 27**, the method of claim 26, wherein determining if a connection is available comprises determining if said one of said multiple user devices said

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incoming call is directed to is within a communication range of said landline base station (Page 5, Paragraphs [0047, 0066 and 0085]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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